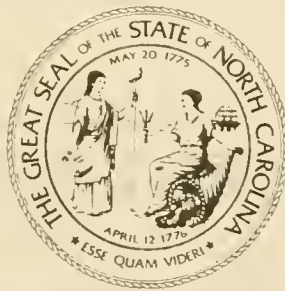


LEGISLATIVE RESEARCH COMMISSION

DAY CARE



**REPORT TO THE
1985 GENERAL ASSEMBLY
OF NORTH CAROLINA**

LEGISLATIVE RESEARCH COMMISSION

DAY CARE



**REPORT TO THE
1985 GENERAL ASSEMBLY
OF NORTH CAROLINA**

A LIMITED NUMBER OF COPIES OF THIS REPORT IS AVAILABLE
FOR DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY:

ROOM 2126,2226
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-7778

OR

ROOM 500
LEGISLATIVE OFFICE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-9390

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



December 13, 1984

TO THE MEMBERS OF THE 1985 GENERAL ASSEMBLY:

The report of the Legislative Research Commission's Committee on Day Care made pursuant to Chapter 905 of the 1983 Session is attached.

The Legislative Research Commission transmits to the 1985 Regular Session of the General Assembly the Recommendations, Proposals and Resolution contained in this report.

Respectfully submitted,

Liston B. Ramsey
Liston B. Ramsey
Speaker of the House

W. Craig Lawing
W. Craig Lawing
President Pro Tempore

Cochairmen

TABLE OF CONTENTS

| | <u>PAGE</u> |
|---|-------------|
| Letter of Transmittal | |
| Preface | i |
| Committee Proceedings. | 1 |
| Recommendations. | 6 |
| APPENDICES: | |
| A. Chapter 905, 1983 Session Laws. | A-1 |
| House Joint Resolution 594 | A-2 |
| B. Legislative Research Commission Membership. | B-1 |
| Study Committee Membership | B-2 |
| C. Speakers Appearing before the Committee. | C-1 |
| D. Legislative Proposals. | D-1 |
| 1. A Bill To Be Entitled An Act To Create A Division Of Child Day Care Within The Department Of Human Resources. | D-1 |
| 2. A Bill To Be Entitled An Act To Improve The Law Regarding Minimum Licensing Standards For Day Care Facilities | D-9 |
| 3. A Bill To Be Entitled An Act To Expand The Juvenile Law Definition Of Caretaker | D-15 |
| 4. A Bill To Be Entitled An Act To Mandate That Department Of Social Services Report Reports Of Child Abuse And Neglect In Day Care To The Licensing Commission | D-16 |
| 5. A Bill To Be Entitled An Act To Strengthen The Licensing Commission's Investigations Of Abuse And Neglect In Day Care. | D-17 |
| 6. A Bill To Be Entitled An Act To Provide For A Provisional License For Day Care Facilities And Plans In Cases Of Sub- stantiated Child Abuse And Neglect | D-18 |
| 7. A Bill To Be Entitled An Act To Provide For The Protection Of Children In Day Care Plans Through Imposition Of Mandatory Minimal Standards And Compliance Inspections. | D-20 |

CONTENTS

PAGE

Legislative Proposals (cont.)

- | | | |
|---------------------|--|------|
| 8. | A Bill To Be Entitled An Act To Improve Public Awareness Of Day Care Child Abuse And Neglect Law | D-24 |
| 9. | A Bill To Be Entitled An Act To Establish A Special Unit Within The Licensing Commission To Deal With Child Abuse And Neglect In Day Care And To Provide Funds. . | D-25 |
| 10. | A Bill To Be Entitled An Act To Improve The Enforcement Of Day Care Licensing. . . | D-26 |
| 11. | A Bill To Be Entitled An Act To Provide Funds For The More Efficient Enforcement Of Day Care Regulation. | D-30 |
| A Joint Resolution: | | |
| | A Joint Resolution Continuing The Legislative Research Commission Day Care Study. | D-31 |

PREFACE

The North Carolina Legislative Research Commission is an interim study organization of the General Assembly. The Commission is established and governed by North Carolina General Statutes §§120-30.10 through 120-30.18. The Commission is cochaired by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, and the Cochairmen appoint five members from their respective houses. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of resolutions enacted or adopted by the 1983 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of studies. The Cochairmen of the Legislative Research Commission, under the authority of General Statutes 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and of the public to conduct the studies. Cochairmen, one from each

house of the General Assembly, were designated for each committee.

The Study of Day Care was authorized by Chapter 905 of the 1983 Session Laws. That act made reference to House Joint Resolution 594 introduced by Representative Colton. Copies of Chapter 905 of the 1983 Session Laws and House Joint Resolution 594 may be found in Appendix A of this report.

The Legislative Research Commission placed this Study under the Social Services Area for which Representative John Church of the Commission is responsible. This Study was assigned to the Committee on Day Care that was cochaired by Senator Lura Tally and Representative Marie Colton. Membership lists of the Legislative Research Commission and of the Study Committee may be found in Appendix B.

COMMITTEE PROCEEDINGS

The Legislative Research Commission Study Committee on Day Care met three times in full Committee. A subcommittee of four members of the full Committee met twice.

The Committee was charged with, and accomplished, a great deal. It received the cost study report established by the 1981 Legislative Research Commission Study Committee on Day Care, and the report on day care standards that was a result of a conference convened by the Governor, upon the request of the 1981 Study Committee. The Committee also received an up-dating on the Memorandum of Agreement entered into by the Department of Human Resources and the Department of Administration, which agreement was urged by the 1981 Study Committee. (Copies of the complete cost study, the standards report, and the Memorandum of Agreement are on file in the Legislative Library.)

The Committee received two new reports, vital to its task to continue to study day care and to recommend curative legislation. Since the 1981 Study Committee finished its work, the nation has been racked by revelations of sexual and physical abuse in day care. Dr. Richard Clifford of the Frank Porter Graham Child Development Center and Susan Russell of the Orange County Department of Social Services presented the results of their study of child abuse in day care. Their study focussed on the functioning of the North Carolina Day Care Licensing

Commission in dealing with complaints of child abuse, and suggested a number of changes in day care, and in juvenile law, that could aid the Licensing Commission, and ensure that this State's day care is as safe as possible for all the children of this State needing care. (A copy of this report is on file in the Legislative Library.)

The State Auditor's Office presented a major operational audit report to the Study Committee. This report underscored the Committee's continuing concern that State day care services are not presently as unified, and thus as effective, as they might be were they delivered in a more unified fashion. The State Auditor's report recommended consolidation of all State day care services in the Department of Human Resources. (A copy of the State Auditor's report is on file in the Legislative Library.)

The Committee heard from many private citizens, day care providers of all sorts, parents, and professionals. Four issues, underscored by the formal reports, continued to be stressed: the issue of day care licensing standards, the issue of child abuse and neglect, the issue of enforcement of day care licensing law, and the issue of the need to improve the delivery of all State day care services. (A list of witnesses appearing before the Committee is attached as Appendix C. Copies of all materials made available to the Committee are on file in the Legislative Library.)

On the issue of day care licensing standards, the Committee found that the existing minimum standards for State

licensing of day care facilities were too low in several important respects, specifically in the areas of staff/child ratios, group size, transportation safeguards, and staff training and development standards. It found that the minimum standards agreed upon by the Conference convened by the Governor would establish a satisfactory set of minimum standards that must be met by all day care facilities, whether private or subsidized by the State. The Committee found that it would be possible to impose these new standards without forcing facilities out of business or parents to pay more than they can afford for day care. (See Auditor's report.)

On the issue of child abuse and neglect, the Committee found that a number of changes in the juvenile and day care law were necessary to make sure that the day care in this State is truly safe and healthy for the children of this State, and that incidents of abuse or neglect that do occur are more effectively and expeditiously dealt with. The Committee also found that, in order truly to protect all the children of this State, it needed to incorporate day care plans into the day care regulatory system, at least so far as to make sure children in plans are in a safe environment, and to allow for inspection of plans in such a manner as to guarantee the plans all the due process protection these unique and most valuable day care providers warrant.

On the issue of day care enforcement, the Committee found that, without adequate enforcement of the day care law, it was indeed pointless to raise standards or to attempt to eliminate "institutional" abuse or neglect. It found that it is

necessary both to expedite the working of the North Carolina Day Care Licensing Commission and to recommend the appropriations necessary to provide sufficient inspection staff to carry out satisfactory monitorings and inspections.

On the issue of improving the delivery of all State day care services, the Committee considered several options:

- (1) The consolidation of all State day care services within the Department of Administration, except for the funding of State subsidized slots and facilities, which funding would remain within the Department of Human Resources;
- (2) The consolidation of all State day care services within the Department of Human Resources, to be organized as the Secretary sees fit;
- (3) The consolidation of all State day care services within the Department of Human Resources, the regulatory and monitoring services to be combined in the Division of Facility Services;
- (4) The consolidation of all State day care services within the Department of Human Resources, the regulatory and monitoring services in the Division of Facility Services, purchase of care services in the Division of Social Services, and program services in a new Division of Day Care Services;
- (5) The consolidation of all State day care services within the Department of Human Resources, into a separate Division of Child Day Care Services, with

separate deputy division directors in charge of the funding and the regulatory and monitoring functions;

- (6) A recommendation to the 1985 General Assembly to restructure State day care services;
- (7) A recommendation that State day care services be left as they now are.

The Committee unanimously endorsed Option 4, creating a new and separate Division of Child Day Care Services. The Committee considered and unanimously moved to approve 12 additional recommendations and legislative proposals to address the issues of improving licensing standards, of assuring the children's safety in day cares from abuse and neglect, and of improving the enforcement of day care law and regulation.

The Committee adjourned after unanimously approving the draft report in full, and after emphasizing the need to recommend strongly to the 1985 General Assembly to continue the study of day care in order to demonstrate its continuing commitment to the children of this State and their parents.

RECOMMENDATIONS

(State Day Care Services Restructuring)

1. The Legislative Research Commission Study Committee on Day Care recommends the consolidation of all State day care services within the Department of Human Resources into a separate Division of Day Care Services, with separate assistant division directors in charge of the funding and of the regulatory and monitoring functions. (See Legislation Proposal 1.)

(Day Care Licensing Standards)

2. The Legislative Research Commission Study Committee on Day Care recommends increasing State licensing standards for day care facilities concerning staff/child ratios, group size, transportation, staff training and development, program requirements, civil rights compliance, equipment requirements, and nutrition requirements. (See Legislative Proposal 2.)

(Day Care Abuse and Neglect Curative Proposals)

3. The Legislative Research Commission Study Committee on Day Care recommends revising the juvenile law regarding abused and neglected children in day care. It recommends broadening the definition of "caretaker" so as to permit the investigation by the county Department of Social Services into more alleged incidents of abuse and neglect in day care than now possible.

(See Legislative Proposal 3.)

4. The Legislative Research Commission Study Committee on Day

Care recommends ensuring that the county Department of Social Services notify the North Carolina Day Care Licensing Commission whenever it receives a report of abuse or neglect in day care.

(See Legislative Proposal 4.)

5. The Legislative Research Commission Study Committee on Day Care recommends ensuring that the Licensing Commission investigate providers against whom reports of abuse or neglect have been received to discover whether the day care law has indeed been violated. (See Legislative Proposal 5.)

6. The Legislative Research Commission Study Committee on Day Care recommends the imposition of a provisional license in cases where abuse or neglect that is the responsibility of the provider is substantiated. (See Legislative Proposal 6.)

7. The Legislative Research Commission Study Committee on Day Care recommends the phasing-in of a regulatory system for day care plans to guarantee that all children in plans are in a healthy, safe, and sanitary environment. (See Legislative Proposal 7.)

8. The Legislative Research Commission Study Committee on Day Care recommends that all day care providers give parents notification of all people's duty to report any suspicion of abuse or neglect in day care to the county Department of Social Services. (See Legislative Proposal 8.)

9. The Legislative Research Commission Study Committee on Day Care recommends the establishment within the Licensing Commission of a special unit to handle abuse and neglect in day care, and

appropriations to implement this recommendation. (See
Legislative Proposal 9.)

10. The Legislative Research Study Committee on Day Care recom-
mends that the Department of Human Resources, Division of Social
Services, the Justice Department, the Department of
Administration, Office of Day Care Licensing, and the Department
of Human Resources, Office of Day Care Services, report to the
1985 General Assembly on ways to check employees' and providers'
abuse and neglect records. (No Legislative proposal.)

(Day Care Enforcement)

11. The Legislative Research Commission Study Committee on Day
Care recommends that the Licensing Commission be made more
effective, by the use of an impartial hearing officer or
administrative law judge, and by the authority to impose civil
penalties and other sanctions, including injunctions on providers
that are found to be out of compliance and that wilfully remain
so, which sanctions may be imposed before the final sanction of
license revocation can be. (See Legislative Proposal 10.)

12. The Legislative Research Commission Study Committee on Day
Care recommends appropriations to the Department of Adminis-
tration to enable the Licensing Commission, and the Office of Day
Care Licensing, to increase its inspection and monitoring staff
to enable them to regulate day care satisfactorily. (See
Legislative Proposal 11.)

(Day Care Study Continuing Resolution.)

13. The Legislative Research Commission Study Committee on Day

Care recommends that the 1985 General Assembly continue its study of day care. (See Legislative Proposal 12.)

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1983
RATIFIED BILL

CHAPTER 905
HOUSE BILL 1142

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION
AND BY THE COMMISSION ON CHILDREN WITH SPECIAL NEEDS AND MAKING
TECHNICAL AMENDMENTS RELATING THERETO.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1983 bill or resolution that originally proposed the study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

- (38) Continuation of the Study of Day Care (H.J.R. 594
- Colton),

Sec. 14. This act is effective upon ratification.

In the General Assembly read three times and ratified,
this the 21st day of July, 1983.

JAMES C. GREEN

James C. Green
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1983

HOUSE JOINT RESOLUTION 594

Sponsors: Representatives Colton; Brennan.

Referred to: Rules & Operation of the House.

March 31, 1983

1 A JOINT RESOLUTION REQUESTING THAT THE LEGISLATIVE RESEARCH
2 COMMISSION STUDY OF DAY CARE BE CONTINUED.

3 Whereas, the 1981 Legislative Research Commission's
4 Study Committee on Day Care, chaired by Senator William Creech
5 and Representative Louise Brennan, has laid the foundations for
6 excellent further study of day care in North Carolina by
7 initiating a sophisticated study of day-care costs, and by
8 proposing several pieces of legislation designed to improve
9 methods of enforcement of day-care standards and to provide
10 incentives for compliance; and

11 Whereas, much further study is needed, both to continue
12 to refine the laws regarding day care and to tailor them with
13 sensitivity to fit the needs of children, parents and operators
14 and to continue to work with the Department of Human Resources
15 and the Department of Administration in their attempts to
16 eliminate duplication of services and of monitoring; and

17 Whereas, the children of this State are its future
18 citizens and its most vital resource, and most deserving of
19 concern for and study of their early environment and education;

20

21

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1983

1 Now, therefore, be it resolved by the House of Representatives,
2 the Senate concurring:

3 Section 1. The Legislative Research Commission may
4 authorize a continued study of day care in this State. The
5 Committee making this study may make an interim report to the
6 1983 General Assembly, 1984 Session, and may make a final report
7 to the 1985 General Assembly.

8 This study shall build upon the work of the 1981
9 Legislative Research Commission Study of Day Care and shall
10 focus on ways to provide the best day care to all children in the
11 most cost-effective way, bearing in mind that only day care that
12 parents can afford and that centers can provide is practical.
13 The Study shall include:

14 (1) A comprehensive examination of the Department of
15 Administration's cost study of day care;

16 (2) A continued study of the memorandum of agreement
17 between the Department of Administration and the Department of
18 Human Resources with regards to the elimination of duplication of
19 day-care services and monitoring, and of the feasibility of
20 future consolidation of all day-care services into one State
21 agency;

22 (3) A continued study of staff-child ratio;

23 (4) A continued study of staff training requirements,
24 and of staff records, including criminal records;

25 (5) A continued study of graded licenses;

26 (6) A continued study of the feasibility of
27 credentialing;

28

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1983

1 (7) A study of the feasibility of raising standards to
2 incorporate programing, testing;

3 (8) A study of the feasibility of a tax credit for day
4 care, and of its limits; and

5 (9) The study of the feasibility of some State purchase
6 of care in private day-care centers.

7 Sec. 2. This resolution is effective upon ratification.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

APPENDIX B

LEGISLATIVE RESEARCH COMMISSION

| | |
|---|--|
| House Speaker Liston B. Ramsey, Cochairman | Senator President Pro Tempore W. Craig Lawing, Cochairman |
| Representative Christopher S. Barker, Jr. | Senator William N. Martin |
| Representative John T. Church | Senator Helen Rhyne Marvin |
| Representative Bruce Ethridge | Senator William W. Staton |
| Representative John J. Hunt | Senator Joseph E. Thomas |
| Representative Margaret Tennille | Senator Russell Walker |

MEMBERS LRC STUDY COMMITTEE ON DAY CARE

COCHAIRMEN:

Senator Lura Tally, Cochairman
 Residence: 3100 Tallywood Dr.
 Fayetteville, NC 28303
 919-484-4868

Rep. Marie Colton, Cochairman
 Residence: 392 Charlotte St.
 Asheville, NC 28801
 704-253-7350

SENATE:

Senator J. J. Harrington
 Residence: 3 Roanoke Trail
 Lewiston/Woodville, NC 27849
 919-348-2329
 Business: P.O. Drawer 519
 Lewiston/Woodville, NC 27849
 919-348-2192

Senator Marvin Ward
 Residence: 641 Yorkshire Rd.
 Winston-Salem, NC 27106
 919-724-9104

HOUSE:

Rep. Walter B. Jones, Jr.
 Residence: 302 Hillcrest Dr.
 Farmville, NC 27828
 919-753-3530
 Business: P.O. Box 668
 Farmville, NC 27828
 919-753-2549

Rep. Louise Brennan
 Residence: 2101 Dilworth Rd. East
 Charlotte, NC 28203
 704-375-7954

Rep. Tom Womble
 Residence: 7557 Tanglewood Ct.
 Clemmons, NC 27012
 919-766-5286
 Business: Same

Rep. Margaret Keesee-Forrester
 Residence: 204 N. Mendenhall St.
 Greensboro, NC 27401
 919-275-7745
 Business: 204 N. Mendenhall St.
 Greensboro, NC 27401
 919-274-3948

PUBLIC MEMBERS:

Mrs. John A. Tate, Jr. (Dolly)
 Davis Road
 Davidson, NC 28036
 Residence: 704-892-8835

Mrs. Agnes Love
 P.O. Box 26394
 Charlotte, NC 28213
 Business: 704-596-4039

LRC MEMBER:

Rep. John Church
 Residence: 420 Woodland Rd.
 Henderson, NC 27536
 919-438-5368
 Business: P.O. Drawer 947
 Henderson, NC 27536
 919-492-8111

COMMITTEE COUNSEL:

Susan Sabre
 Bill Drafting
 100 LOB
 733-6660

COMMITTEE CLERK:

Lillie Pearce
 Room 1201
 Legislative Building
 733-5853

APPENDIX C

LRC Day Care

November 28, 1984

Name of Committee

Date

VISITORS: please sign below and return to secretary.

| NAME | FIRM OR STATE AGENCY AND ADDRESS |
|------------------|---|
| Kathy Dixon | Council for Children Charlotte, N.C. |
| Theresa Wiskich | Charlotte, N.C. |
| Wendy Miller | Jenny's Day Care Center Walden, N.C. |
| Jim Hall | Winter Park Preschools Wilmington |
| Sue Creesh | Pitt County Day Care Assn. |
| Carolyn Andrews | Wake Co. League of Women Voters |
| Jane A. Easley | Tall Pines Child Care Center, Charlotte, N.C. |
| Robert L. Eager | Kiddie Corner Day School, Inc. Charlotte, N.C. |
| Nelson Law | N.C. Day Care Assoc. |
| Carole Baker | Wake Co. Child Care Resource Referral Center |
| Earlene Lawrence | Wake Co. Child Care Council & R.R. Center |
| Shirley Sorell | Wake Co. Social Services |
| Patty Wiser | Day Care, Inc. |
| Dorothy Barber | Day City Day Care - Chapel Hill, N.C. |
| Linda Joyworth | Orange Co. Day Care Coalition |
| Carol Hance | Child Development Dev. Ctr. |
| Alfred Thompson | Lois' Day Care & Nursery Rt 2 Box 2 Garbary 279 |
| Lula B. Helms | Bizzie Bee Day Care - P.O. Box 255, Wake Co. 28129 |
| Patricia Page | Kiddie Kave of Albemarle, Rt 6, Albemarle |
| Carole Indall | Kiddie Kave Rt 2, New London, N.C. |
| Becky Zella | Tall Pines Child Care Center, 25157 Necklesburg Co., Char., N.C. |
| Christine Canall | Office of Day Care |
| Mary Holland | " " " " " |
| Ed Bering | Berry's Day Care Center, Inc. |

LRC-DAY CARE -(sub.)

11/21/84

Name of Committee

Date

VISITORS: please sign below and return to secretary.

NAME

FIRM OR STATE AGENCY AND ADDRESS

D. Ed Ulrich

N.C. Assoc. of Christian Schools

Janet McKim

Child Care Consulting and Training Service a Baby

Cathie Phaxcaste

Smilfield, NC

Betty Gallagher

1521 Hope Mill Rd. FAY, NC 28301
KINDER-CARE & Secretary for Cumberland C. DA.

Cynthia L Pender

Highland Bapt. Ch. Serv. - Cumberland Co. D.C. -
NO I.A.

Frankie Tucker

Brentwood Child Center

Jean Dodd

North Hills Child Care Center

Libby Crumpton

Children's Home

Gregory Bern

STATE Auditor

Ray Miggins

State Auditor

Lucy Baker

OKR

Jennie Jarrell

OCDCL

Lafitta Wright

OCDCL

Susan Law

NC Day Care Association

Susan Russell

OC. DSS

LRC Day Care (Sub)

November 13, 1984

Name of Committee

Date

VISITORS: please sign below and return to secretary.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Hickie Ennis Trye Regional Med Center Child Development
Hickory N.C.

Ulice Lupton Hickory Playschool Hickory N.C.

Jane McKenon Child Care Consulting and Training Services - Raleigh

Robert Allen Adams Carolina Assoc. for Children & Education, Inc.

Opsey Law NC Day Care Association

Sue Creech PCC Preschool Lab, Sherwell A.C.

Peggy Ball, Dept. of Community Colleges, Raleigh, NC

Ray Mays Department of State Auditor

Gregory Jones " " "

Ron Bennett DHR

Dick Clifford FPG Child Development, UNC-CH Chapel Hill, NC

James Russell Orange Co. D.S.S. 300 W. Taylor Hill Skidway Rd 27278

Julitha Wright OCDC 1919 Blue Ridge Rd. Raleigh, N.C.

James Carroll OCDC " "

Vivian M. Combs Com. OCDC L. Mooresville, N.C.

Thomas Strubland Attorney at Law Goldsboro, N.C.

E. Thiel N.C. Assoc. of Chr. Schools Lake Waccamaw, N.C.

April D. Lane L.R. Comm. Mont. - Pres. Printz, N.C.

Cathy L. Carpenter Smidfield N.C. Private

John W. Fair N.C. Office of Child Day Care Lic. Raleigh, N.C.

LRC Day Care
Name of Committee

10/26/84
Date

VISITORS: Please sign below and return to secretary.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Carol S. Lawrence

Wake Co. Child Care I & R Bd.

Myra M. Mangel

Workplace Program

Roberta L. Eagle

Wake Co. Child Care I & R Bd.

Ron Fleming

DHR WDCS

LRC DAY CARE

October 26, 1984

Name of Committee

Date

VISITORS: Please sign below and return to secretary.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Koshy Savitt

State Council for Social Legislation

4505 Wilkes St.
Kearney 61019

Savitt

- 70 - C-CH

Al Beach

Child Care Char., N.C.

Marianne

Catherine

Catherine

Vernon M. Conley

Law Case

Catherine

Patients' Representation

Catherine

N.C.

Bert Baker

Ridout's Kindergarten, Durham, N.C.

Peggy Ball

N.C. Dept. of

Susan Law

NCPCA

W. 527102

Doreen

Doreen

John

Catherine

Karin

Hester

John Pablock

N.C. Child Advocacy - Protection

Bill

State Auditor, Office

Barbara

State Auditor, Office

Gregory

" " "

John

N.C. Office of

Bohannon

AT 1, 745-H

Bohannon

N.C.

Bohannon

N.C.

Bohannon

N.C.

Bohannon

N.C.

Shirley

Wake Co DSS

P.O. Box 1247

27600

LRC Day Care
Name of Committee

9/19/84
Date

VISITORS: Please sign below and return to secretary.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Bernard Allen
Kathy Isreal

UCAE

Day 1st Floor

LRC Day Care

9/19/84

Name of Committee

Date

VISITORS: Please sign below and return to secretary.

| NAME | FIRM OR STATE AGENCY AND ADDRESS |
|------------------|---|
| Tom Strickland | NCACS P.O. Box 147 Sedition |
| Ed. Ulrich | N.C. Assoc. Ch. Sch., P.O. Box 126 Lake Waccamaw, N.C. |
| Lucy Boale | Deputy Sec. Department of Human Resources |
| Don Benney | DHR 325 N. Salisbury |
| George Kahdy | Dept. Public Instruction |
| Joseph B. Hill | Dept. of Public Instruction |
| Bob Fritz | Doctoral student, UNC 7705, Lenoir Street Dr. Raleigh, N.C. 27609 |
| Janet Nielsen | 409 Stacy Street - Raleigh, N.C. |
| Debbie Ball | President NC COA Forum |
| Phanie Farjoul | Dept. of Community Colleges, 116 W. Edenboro Raleigh 27611 |
| Abelle Frost | Workplace Options Inc. 1908 Park Dr. Raleigh NC 27605 |
| Orly Berns | 2403 White Oak Rd Raleigh 27609 |
| Moizingo | State Auditor's Office |
| Phillips | State Auditor's Office |
| F. Thompson | SDPI |
| m Holland | SDPI |
| Charlotte Barnes | Youth Advocacy & Involvement Office / Bell 121 W. Jones St. |
| Richard Clifford | SDPI |
| sen Russell | Hebert, C. Walter Schools, Inc. - Durham, N.C. |
| Harry Glaser | Frank Porter Graham Child Development Center UNC-CH |
| all Knicker | Orange County Dept of Social Services |
| | N. C. Dept. of Admin. Affairs of Policy Planning |
| | News & Observer |

LRC Day Care

9/19/84

Name of Committee

Date

VISITORS: Please sign below and return to secretary.

NAME

FIRM OR STATE AGENCY AND ADDRESS

D. M. Laubman

Fiscal Research Division

Louise Young

Fiscal Research Division

Melita Wright

Office of Child Day Care Licensing, DOA

John W. Fain

Office of Child Day Care Licensing, DOA

James B. Gray

North Carolina Day Care Licensing Commission

Henry M. Kay

Dept of Administration

George Knight

Dept. Human Resources

APPENDIX D

LEGISLATIVE PROPOSAL !

85W6-LF-32

S.T.: Division of Child Day Care.

A BILL TO BE ENTITLED

AN ACT TO CREATE A DIVISION OF CHILD DAY CARE WITHIN THE
DEPARTMENT OF HUMAN RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143B of the General Statutes is amended by adding a new Part to Article 3, to read:

"Part 28. Division of Child Day Care.

"§ 143B-216.20. Division of Child Day Care, creation, powers, and duties.--(a) There is created within the office of the Secretary of the Department of Human Resources a Division of Child Day Care. This Division shall manage and coordinate all child day care services, including the registration of day care plans and the licensing of day care facilities.

(b) The Division shall function under the authority of the Department of Human Resources as provided in the Executive Organization Act of 1973 and shall perform such other duties as are assigned by the Secretary.

"143B-261.21. Division Director for Child Day Care. - duties; assistant division directors; duties--(a) The Secretary of Human Resources shall employ a division director in the Department of Human Resources, whose title shall be the Division Director for Child Day Care. The Division Director for Child Day Care shall manage and coordinate all child day care services, including the registration of day care plans and the licensing of

day care facilities, in the Department of Human Resources and shall have the powers and duties conferred on him by this post and those delegated to him by the Secretary of Human Resources.

(b) The Division Director of Child Day Care shall appoint three assistant division directors, whose titles shall be the Assistant Director for Field Operations, the Assistant Director for Support Services, and the Assistant Director for Administration.

The duties of the Assistant Director for Field Operations shall include monitoring licensing, registration, and service standards for child day care.

The duties of the Assistant Director for Support Services shall include managing resource and referral programs, and developing and overseeing a statewide system of technical assistance and training resources for child day care personnel.

The duties of the Assistant Director for Administration shall include allocating and managing funds for the purchase of child day care services.

"§ 143B-261.22. Child Day Care Commission - creation; powers and duties.--

There is hereby created the Child Day Care Commission of the Department of Human Resources with the power and duty to adopt rules to be followed in the licensing and operation of child day care facilities and day-care plans as provided by Article 7 of Chapter 110 of the General Statutes, and to adopt rules for the purchase of child day care services as provided by Article 7 of Chapter 110 of the General Statutes.

- (1) The Child Day Care Commission shall have the power and duty to adopt rules and regulations:
 - (a) For the issuance of licenses to any day-care facility; and
 - (b) To register day care plans and to adopt rules and regulations as provided by Article 7 of Chapter 110 of the General Statutes of the State of North Carolina, and to establish standards for "AA" license, only, as authorized by G.S. 110-88(7).
- (2) The Commission shall adopt rules for the purchase of child day care services with State and federal day care funds administered by the Division of Child Day Care in the areas of recipient eligibility, maximum payment rates, and fee schedules to be paid by recipients. The Commission shall also establish and adopt standards for the inspection and approval of day care providers who wish to provide child day care services to children for whom part or all of the cost of care is paid with funds administered by the Division of Child Day Care.

The Secretary of Human Resources has the sole authority to establish the definition for child day care services that are reimbursed with public funds, to establish policies governing the allocation, budgeting, and expenditures of child day care services funds, and to establish policies for contracting for the purchase of the service.

- (3) The Commission shall adopt rules consistent with the provisions of this Chapter. All rules not inconsistent with the provisions of this Chapter heretofore adopted by the Child Day Care Licensing Commission or the Social Services Commission shall remain in full force and effect unless and until repealed or superseded by action of the Child Day Care Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources."

"§ 143B-261.23. Child Day Care Commission - members; selection; quorum; compensation.--

The Child Day Care Commission of the Department of Human Resources shall consist of 15 members. Five shall be day care providers, five shall be parents of children who are in day care, and five shall be citizens not currently involved either in providing or purchasing day care. The members shall be appointed by the Governor, Lieutenant Governor, and Speaker of the House, as provided. None shall be employees of the State. The Speaker of the House shall appoint two of the providers, two of the parents, and one of the citizens at large. The Lieutenant Governor shall appoint two of the providers, one of the parents, and two of the citizens at large. The Governor shall appoint one of the providers, two of the parents, and two of the citizens at large. At the end of the respective terms of office of the members of the Commission, their successors shall be appointed for terms of three years. Any member shall serve only so long as that member meets the qualifications for appointment. Any appointment to

fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the expired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, and nonfeasance according to the provisions of G.S. 143B-13.

The Governor shall designate a member of the Commission as chairman to serve in this capacity at the pleasure of the Governor.

The Commission shall meet quarterly, and at other times at the call of the chairman or upon written request of at least six members.

The members of the Commission shall receive per diem and necessary travel subsistence expenses in accordance with the provisions of G.S. 138-5. The majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources."

Sec. 2. G.S. 143-153(2a)b. is amended by inserting directly after the phrase "Substance Abuse Services," the phrase "or through the Division of Child Day Care Services,".

Sec. 3. G.S. 143B-153(8)a. is repealed.

Sec. 4. G.S. 110-86(1) is amended by deleting the word "Licensing".

Sec. 5. G.S. 110-88(2) is amended by deleting the word "Commission" and by substituting the word "Department".

Sec. 6. G.S. 110-88(6) and (8) are amended by deleting the word "Administration" and by substituting the word "Human Resources".

Sec. 7. G.S. 110-88 is amended by adding the following new subdivisions to read:

"(11) The Commission shall adopt rules for the purchase of child day care services with State and federal day care funds administered by the Division of Child Day Care in the areas of recipient eligibility, maximum payment rates, and fee schedules to be paid by recipients. The Commission shall also establish and adopt standards for the inspection and approval of day care providers who wish to provide child day care services to children for whom part or all of the cost of care is paid with funds administered by the Division of Child Day Care.

The Secretary of Human Resources has the sole authority to establish the definition for child day care services that are reimbursed with public funds, to establish policies governing the allocation, budgeting, and expenditures of child day care services funds, and to establish policies for contracting for the purchase of the services.

Sec. 8. Part 4 of Chapter 143B is repealed, and reference to it in the Table of Contents at the beginning of the Chapter is deleted.

Sec. 9. G.S. 110-90 is amended in the catchline and in the first sentence by deleting the words "Administration" and "Administration" and by substituting the words "Human Resources" and "Human Resources".

Sec. 10. G.S. 110-91 is amended in the second sentence by deleting the word "Administration" and by substituting the word "Human Resources".

Sec. 11. G.S. 110-91(9) is amended in the third paragraph by deleting the word "Administration" and by substituting the word "Human Resources".

Sec. 12. G.S. 110-92 is amended by repealing the first paragraph, and is further amended in the second and third paragraphs by deleting the word "Administration" and by substituting the word "Human Resources", and is further amended in the third paragraph by deleting the word "Commission" and by substituting the word "Department".

Sec. 13. G.S. 110-93(a) is amended by deleting the word "Commission" and by substituting the word "Department".

Sec. 14. G.S. 110-93(b) is amended by deleting the word "Administration" and substituting the word "Human Resources".

Sec. 15. G.S. 110-94 is amended by deleting the word "Licensing".

Sec. 16. G.S. 110-100 is amended by deleting the word "Administration" and by substituting the words "Human Resources".

Sec. 17. G.S. 110-102 is amended in the first and second sentences by deleting the word "Administration" and by substituting the word "Human Resources".

Sec. 18. G.S. 110-106(b)(1) is amended by deleting the word "Licensing".

Sec. 19. The statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing, of the North Carolina Day Care Licensing Commission and of the Office of Day Care Licensing of the Department of Administration are transferred to the Department of Human Resources. This transfer includes all the elements of a Type I transfer as provided in G.S. 143A-6. Any disputes arising out of this transfer shall be resolved by the Governor pursuant to G.S. 143B-4.

Sec. 20. There is appropriated from the General Fund to the Department of Human Resources the sum of _____ for fiscal year 1985-86 and the sum of _____ for fiscal year 1986-87, to implement this act.

Sec. 21. This act shall become effective July 1, 1985.

LEGISLATIVE PROPOSAL 2

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE LAW REGARDING MINIMUM LICENSING STANDARDS
FOR DAY CARE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-375(1)b. is amended by deleting the phrase "'AA' license', only," and by substituting the phrase "'A', and 'AA' licenses'".

Sec. 2. G.S. 110-91(2) is amended by rewriting the first paragraph to read:

"Each child in a day-care facility shall receive nutritious food and refreshments under rules to be adopted by the Commission. After consultation with the Division of Health Services of the Department of Human Resources, nutrition standards shall provide for specific requirements for infants, including a written feeding schedule and a daily record of foods eaten by infants from birth to one year, which schedule shall be shared with each child's parent. Nutrition standards shall provide for specific requirements for children older than infants, including a daily food plan for meals and snacks served that shall be adequate for good nutrition. The number and size of servings and snacks shall be appropriate for the ages of the children and shall be planned according to the number of hours the child is in care. Menus for meals and snacks shall be

planned at least one week in advance, dated, and posted where they can be seen by parents."

Sec. 3. G.S. 110-91(6) is amended by deleting the phrase "Space requirements" and by substituting "Space and Equipment Requirements", and by adding a new paragraph to read:

"Each day-care facility shall provide equipment and furnishings that are child size, sturdy, safe, and in good repair. Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings. The Commission, after consultation with the Division of Health Services of the Department of Human Resources, shall adopt standards that shall provide for spacing of cribs, proper use of linens and beddings, and requirements for bathing and toileting facilities."

Sec. 4. G.S. 110-91(7)c. is repealed.

Sec. 5. G.S. 110-91(7) is amended by deleting sub-subdivisions a. and b. and by substituting the following:

"a. For day-care facilities caring for fewer than 30 children of whom more than half and under the age of two, the ratios are as prescribed by sub-subdivision c1. of this subdivision.

b. For the other facilities caring for fewer than thirty children the ratios are as follows:

1. In facilities licensed for one to 10 children, inclusive, one adult caregiver present, giving care.

2. In facilities licensed for 11 to 20 children, inclusive, two adult caregivers present, giving care.
3. In facilities licensed for 21 to 29 children, inclusive, three adult caregivers present, giving care.

cl. For facilities caring for 30 or more children, the ratios and maximum group sizes are as follows:

Maximum group size for each age is fixed at twice the child/staff ratio, but not larger than 25.

| <u>Ages of Children</u> | <u>No. of Children</u> | <u>Staff</u> | <u>Group Size</u> |
|-------------------------|------------------------|--------------|-------------------|
| 0 to 1 year | 6 | 1 | 12 |
| 1 to 2 years | 7 | 1 | 14 |
| 2 to 3 years | 12 | 1 | 24 |
| 3 to 4 years | 15 | 1 | 25 |
| 4 to 5 years | 20 | 1 | 25 |
| 5 years and older | 25 | 1 | 25 |

Maximum group size for each age is fixed at twice the child/staff ratio for the respective age groups, but not larger than 25.

1. Children under two years of age shall be kept separate from older children, and with a full-time adult always in attendance.
2. Staff members required to be responsible for the care of children shall not have responsibility for food preparation."

Sec. 6. G.S. 110-91(8) is amended by adding a new paragraph to read:

"The Commission shall adopt standards to establish the minimum educational requirements for directors, staff, and staff assistants. These standards shall reflect training, experience, educational achievement, or credentialing. No requirements may interfere with the teachings or doctrine of any established religious organization."

Sec. 7. G.S. 110-91(10) is amended by adding a new paragraph to read:

"Each day-care facility shall have a written policy on discipline, which policy describes the methods and practices used to discipline children enrolled on that facility. This written policy shall be discussed with, and a copy given to, each child's parent prior to the first time the child attends the facility. Subsequently, any change in discipline methods or practices shall be communicated in writing to the parents prior to the effective date of the change. The Commission shall adopt rules to implement the provision."

Sec. 8. G.S. 110-91 is amended by adding the following new subdivisions to read:

"(11) Staff Development - The Child Day Care Licensing Commission shall adopt minimum standards for ongoing staff development for facilities. These standards shall include a requirement that each day-care facility shall have a written staff development plan that shall include training activities for each staff member. The Secretary of Administration shall implement these standards pursuant to the authority granted in G.S. 110-90(7).

(12) Planned Age Appropriate Activities. - Each day-care facility shall have a planned schedule of activities posted in a prominent place to enable parents to review it, and a written plan of age appropriate activities available to parents. Each facility shall have age appropriate activities and play materials to implement the written plan. The Commission shall adopt standards and procedures related to planned age appropriate activities for all facilities. These standards and procedures shall be implemented by the Secretary of Administration pursuant to the authority granted on G.S. 110-90(7).

(13) Transportation - All day-care facilities shall abide by North Carolina law regulating the use of seat belts and child passenger restraint devices. All vehicles operated by any facility staff person or volunteer to transport children shall be properly equipped with appropriate seat belts or child restraint devices as approved by the Commissioner of Motor Vehicles. Each adult and child shall be restrained by an appropriate seat safety belt or restraint device when the vehicle is in motion. These restraint regulations shall not apply to commercial vehicles, or other vehicles not required to be equipped with seat restraints. All vehicles used to transport children shall meet and maintain the safety inspection standards of the Division of Motor Vehicles of the North Carolina Department of Transportation and the facility shall comply with all other applicable state and federal laws and regulations concerning the operation of a motor vehicle. Children shall never be left unattended in a vehicle.

The ratio of adults to children in day-care vehicles shall not exceed the staff/child ratios prescribed by G.S. 110-91(7). The Commission shall adopt standards for transporting children under the age of two, including standards addressing this particular age's staff/child ratio during transportation."

Sec. 9. G.S. 110-91 is further amended by adding a new subdivision to the end to read:

"(14) Civil Rights. - All facilities shall comply with the 1964 Civil Rights Act.

Religious groups operating their own facilities may exclude children whose families are not of that specific religion. However, religion may be the only basis for exclusion. If any child who attends such a facility is not of the particular religion practiced by the operating group, then no other child may be barred from attendance on religious grounds."

Sec. 10. This act shall become effective July 1, 1986.

LEGISLATIVE PROPOSAL 3

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE JUVENILE LAW DEFINITION OF CARETAKER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-517(5) is amended by adding a new sentence to read: "'Caretaker' also means any adult present with the approval of the care provider in a day care plan or facility as defined in G.S. 110-86."

Sec. 2. This act is effective upon ratification.

LEGISLATIVE PROPOSAL 4

A BILL TO BE ENTITLED

AN ACT TO MANDATE THAT DEPARTMENT OF SOCIAL SERVICES REPORT
REPORTS OF CHILD ABUSE AND NEGLECT IN DAY CARE TO THE LICENSING
COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-548 is amended in the catchline by deleting the period and by substituting the following: "; notification of Day Care Licensing Commission."

Sec. 2. G.S. 7A-548 is further amended by inserting a new paragraph between the second and the third to read:

"If the report received pursuant to 7A-544 involves abuse or neglect of a juvenile in day care, either in a day care facility or a day care plan, the Director shall notify the North Carolina Day Care Licensing Commission within 24 hours of receipt of the report. Upon completion of the investigation, the Director shall notify the Commission of the results of the investigation."

Sec. 3. This act is effective upon ratification.

LEGISLATIVE PROPOSAL 5

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE LICENSING COMMISSION'S INVESTIGATIONS OF
ABUSE AND NEGLECT IN DAY CARE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-105(a)(3) is amended by adding a new sentence to read: "The Commission's rules shall provide for at least two mandatory inspections conducted without notice when it receives a report of child abuse or neglect in a facility. It shall make the first inspection within seven calendar days of receipt of the report and the second within one month of the first."

Sec. 2. This act is effective upon ratification.

LEGISLATIVE PROPOSAL 6

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR A PROVISIONAL LICENSE FOR DAY CARE
FACILITIES AND PLANS IN CASES OF SUBSTANTIATED CHILD ABUSE AND
NEGLECT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-88 is amended by adding a new
subdivision to read:

"(6.1) After receipt of the notice of the results of the investigation by the Department of Social Services, which results indicate that abuse or neglect did occur, to issue a provisional license or registration immediately to the facility or plan, if its own investigation pursuant to G.S. 110-105(a)(3) and that of the Department of Social Services reveal that the abuse or neglect was the result of a situation that the provider caused, or had knowledge, or should have had knowledge of. If the investigations reveal that the situation resulting in the abuse or neglect was not caused by the provider or that the provider did not know, and should not have known, about the situation, the Commission shall issue a formal warning, and shall make another investigation within one week of the first to make sure the situation no longer exists. If the situation still

exists, the Commission shall issue a provisional license or registration.

The facility or plan shall post the provisional license or registration, and clearly written reasons why it was issued, where the parents can see it. Under the terms of the provisional license or registration, the facility or plan may not accept any new children until the Commission notifies it that it is satisfied that the abusive or neglective situation no longer exists and that the abuser or neglecter has been permanently removed. The provisional license or registration shall be in effect for six months from imposition and may not be reviewed. During this six month period the Commission shall provide for at least three surprise investigations.

The Commission shall make the rules necessary to issue the formal warnings and provisional licenses and registrations established by this subdivision."

Sec. 2. This act is effective upon ratification.

LEGISLATIVE PROPOSAL 7

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR THE PROTECTION OF CHILDREN IN DAY CARE
PLANS THROUGH IMPOSITION OF MANDATORY MINIMAL STANDARDS AND
COMPLIANCE INSPECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-88(3) is rewritten to read:

"(3) To make rules establishing minimum and reasonable standards for the operation of day care plans and the issuance of registration certificates. These rules shall establish minimum standards of health, sanitation, and safety that will be required in day care plans and will recognize the vital role which parents and guardians play in the monitoring of the care provided in day care plans."

Sec. 2. G.S. 110-90.1 is amended by adding two new sentences to read: "The person registered to provide care in a day care plan shall be at least 18 years of age or a high school graduate. A person who is not a high school graduate, who is less than 18 years of age, but at least 16 years of age, may work on a day care plan if under the direct supervision of the person registered to provide the care."

Sec. 3. G.S. 110-101 is amended in the catchline by deleting the period and by substituting the following: "; minimum standards for plans."

Sec. 4. G.S. 110-101 is further amended by adding the following new sentences to the end: "Day care plans shall meet as a condition of registration reasonable, minimum standards of health, sanitation, and safety adopted pursuant to rules promulgated by the Commission, and shall maintain these standards for as long as they remain day care plans. A registration certificate shall be issued and remain valid for a two-year period unless revoked or modified. Each plan shall display its current registration certificate in a prominent place."

Sec. 5. Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-105.1. Authority to inspect plans.--(a) The Commission shall adopt standards, rules, and regulations under this subsection that provide for the following types of inspections:

- (1) An initial registration inspection, for which the person requesting registration as a plan provide has prior notice, to certify that all mandatory standards are met;
- (2) A plan for routine announced inspections off all registered plans prior to registration renewal;
- (3) A plan for routine unannounced inspections at regular intervals, which plan shall be confidential unless a court orders its disclosure; and

- (4) An inspection that may be conducted without notice if there is probable cause to believe that an emergency situation exists or if there is a complaint alleging a violation of registration law. The Commission's rules shall provide for at least two mandatory inspections conducted without notice when it receives a report of child abuse or neglect in a day care plan. It shall make the first inspection within seven calendar days of receipt of the report and the second within one week of the first.

The Secretary or his designee, upon presenting appropriate credentials to the operator of the day-care plan, may perform inspections in accordance with the standards, rules, and regulations promulgated under this subsection.

(b) If an operator refuses to allow the Secretary or his designee to inspect the day-care plan, the Secretary shall seek an administrative warrant in accordance with G.S. 15-27.2."

Sec. 6. G.S. 143B-375(1)b. is amended by inserting immediately after the word "register" the phrase "and adopt standards for".

Sec. 7. This act is effective upon notification and applies to day care plans in existence or seeking registration according to the following schedule:

- (1) For day care plans in counties with populations of 100,000 or more, on and after July 1, 1986;
- (2) For day care plans on counties with populations of 50,000 or more but less than 100,000 on July 1, 1987;

- (3) For day care plans in counties with populations of 25,000 or more but less than 50,000, on July 1, 1988;
- (4) For day care plans in counties with populations of less than 25,000, on July 1, 1989.

The 1980 census shall provide the population data.

Upon ratification of this act, the North Carolina Day Care Licensing Commission shall adopt regulations and standards to implement this act, which regulations and standards shall be effective on July 1, 1986 and apply to day care plans according to the schedule set out in this section.

LEGISLATIVE PROPOSAL 8

A BILL TO BE ENTITLED
AN ACT TO IMPROVE PUBLIC AWARENESS OF DAY CARE CHILD ABUSE AND
NEGLECT LAW.

The General Assembly of North Carolina enacts:

Section 1. 110-102 is amended by adding a new sentence
to read:

"The summary shall also include a statement regarding the
mandatory duty prescribed in G.S. 7A-543 of any person suspecting
child abuse or neglect has taken place in day care, or elsewhere,
to report to the county Department of Social Services. The
statement should stress that this reporting law does not require
that the person reporting reveal his identity."

Sec. 2. This act is effective upon ratification.

LEGISLATIVE PROPOSAL 9

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A SPECIAL UNIT WITHIN THE LICENSING
COMMISSION TO DEAL WITH CHILD ABUSE AND NEGLECT IN DAY CARE AND
TO PROVIDE FUNDS.

The General Assembly of North Carolina enacts.

Section 1. There is established within the North Carolina Child Day Care Licensing Commission a special unit to deal primarily with day care licensing and registration violations involving child abuse and neglect. The Commission shall make rules sufficient to define the duties of the special unit and to describe how it is to function as a special unit within the Commission as a whole.

Sec. 2. There is appropriated from the General Fund to the Department of Administration the sum of _____ for fiscal year 1985-86 and the sum of _____ for fiscal year 1986-87 to provide funds to implement this act.

Sec. 3. This act shall become effective July 1, 1985.

LEGISLATIVE PROPOSAL 10

A BILL TO BE ENTITLED
AN ACT TO IMPROVE THE ENFORCEMENT OF DAY CARE LICENSING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-88(2) is amended by deleting the words "To approve the issuance of licenses for day-care facilities", and by substituting "To require that the issuance of licenses for day-care facilities be".

Sec. 2. G.S. 110-88(9) is repealed.

Sec. 3. G.S. 110-90 is amended by adding a new subdivision to read:

"(9) To levy a civil penalty pursuant to G.S. 110-103.1, after a hearing pursuant to G.S. 110-90(5), or to order summary suspension of a license pursuant to G.S. 150A-3(c), pending review by a hearing officer or administrative law judge."

Sec. 4. G.S. 110-90(5) is amended by adding a new sentence to read: "All hearings for this purpose shall be held in accordance with the North Carolina Administrative Procedures Act and conducted by an impartial hearing officer or administrative law judge appointed for that purpose."

Sec. 5. G.S. 110-98 is rewritten to read:

"§ 110-98. Mandatory compliance.--It shall be unlawful for any day care facility or day care plan to offer or provide day care without complying with the provisions of this Article."

Sec. 6. Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-102.1. Administrative penalties.--After a hearing has been held, the Secretary may order one or more of the following sanctions:

- (1) Issue a written warning and a request for compliance;
- (2) Issue an official written reprimand;
- (3) Place a licensee upon probation until his compliance with this Article has been verified by the Commission or its agent;
- (4) Order suspension of a license for a specified length of time not to exceed one year;
- (5) Permanently revoke a license issued under this

Article."

Sec. 7. Chapter 110 of the General Statutes is amended by rewriting the catchline of G.S. 110-103 to read "Criminal penalty", and by adding a new section to read:

"§ 110-103.1. Civil penalty.--(a) A civil penalty of not more than one thousand dollars (\$1,000) may be levied against any licensee who violates any provision of this Article. Every licensee shall be provided a schedule of the civil penalties established by the Commission pursuant to this Article.

(b) In determining the amount of the penalty, the threat of or extent of harm to children in care as well as consistency of violations shall be considered, and no penalty shall be imposed under this section unless there is a specific finding that this action is reasonably necessary to enforce the provisions of this Article or its rules.

(c) After a hearing as provided in G.S. 110-90(5), the person assessed shall be notified of the assessment by registered or certified mail, and the notice shall specify the reasons for the assessment. If the licensee assessed fails to pay the amount of the assessment to the department within 30 days after receipt of notice, or a longer period, not to exceed 180 days, that may be specified in the notice, the Secretary may institute a civil action in the superior court of the county in which the violation occurred, or, in the discretion of the department, in the superior court of the county in which the person assessed has his principal place of business, to recover the amount of the assessment. In any civil action, the scope of the court's review of the actions that shall include a review of the amount of the assessment, shall be as provided in Chapter 150A of the General Statutes."

Sec. 8. G.S. 110-104 is rewritten to read:

"§ 110-104. Injunctive relief.--The Secretary or his designee is empowered to seek injunctive relief in the superior court of the county in which a day care facility or day care plan is located against the continuing operation of that day care facility or day care plan at any time, whether or not any administrative proceedings are pending. The Superior Court may grant injunctive relief, temporary, preliminary, or permanent when there is any violation of this Article or of the rules and regulations promulgated by the Commission that threatens serious harm to children in the day care facility or day care plan, or when a final order to deny or revoke a license or registration

has been violated, or when a day care facility is operating without a license or a day care plan is operating without being registered, or when a day care facility or day care plan repeatedly violates the provisions of this Article or rules adopted pursuant to it after having been notified of the violation.

Sec. 9. This act is effective upon ratification.

LEGISLATIVE PROPOSAL 11

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FUNDS FOR THE MORE EFFICIENT ENFORCEMENT OF DAY
CARE REGULATION.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated to the General Fund
to the Department of Administration, Office of Day Care Licensing,
the sum of _____ for fiscal year 1985-86, and the
sum of _____ for fiscal year 1986-87, to provide
the staff necessary to enforce the day care regulation law.

Sec. 2. This act shall become effective July 1, 1985.

LEGISLATIVE PROPOSAL 12

A JOINT RESOLUTION CONTINUING THE LEGISLATIVE RESEARCH COMMISSION DAY CARE STUDY.

Whereas, the Legislative Research Commission Study Committee on Day care made major recommendations to the 1985 General Assembly concerning the restructuring of State day care services, the raising of day care licensing standards to improve all the State's children's quality of care on day care, and the improvement of the law that protects children from abuse and neglect in day care both by strengthening the protective law and by making its enforcement more efficient; and

Whereas, these recommendations, though major, must be looked at as only the first, strong step towards the enactment of a full, consistent, efficient, and fair regulatory system of State day care that is guaranteed to give all the State's children in day care the best possible care at the most reasonable cost to the parent, and the State when applicable; Now, therefore, the Senate resolves, the House of Representatives concurring:

Section 1. The Legislative Research Commission may continue its study of day care in North Carolina. The committee making the study may make an interim report, including recommendations, to the 1985 General Assembly, 1986 Session, and may make a final report to the 1987 General Assembly.

This study includes a continued, detailed examination of the problem of child abuse and neglect in day care, and of ways to

ensure that all children are truly safe from abuse and neglect. It shall also include a specific study of the particular needs of infants and toddlers in day care, a study of ways more efficiently and more fairly to deal with small day care providers, whether they be plans or small facilities, and ways to involve parents more actively in their children's day care. The study shall also include an examination of industry's roll in day care and of ways to encourage employers' increased involvement in employees' day care.

Sec. 2. This resolution is effective upon ratification.

